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FORM

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Total Number of Pages In This Submission

Application Number	10/725,236
Filing Date	December 1, 2003
First Named Inventor	Andrew CURELLO
Art Unit	2856
Examiner Name	David A. ROGERS
Total Number of Pages In This Submission	3
Attorney Docket Number	BHC-022

ENCLOSURES (Check all that apply)

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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The H.T. Than Law Group		
Signature	<i>Jennifer R. Shewangezaw, Reg. No. 47,765 for H.T. Than</i>		
Printed name	H.T. Than		
Date	February 10, 2005	Reg. No.	38,632

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Date February 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEB 10 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplication of: Andrew CURELLO *et al.*

Group Art Unit: 2856

Application No.: 10/725,236

Examiner: David A. ROGERS

Filed: December 1, 2003

Attorney Docket No.: BIC-022

For: FUEL GAUGE FOR FUEL CARTRIDGES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This Response and Preliminary Amendment is in response to the Restriction Requirement mailed on January 10, 2005. Applicants elect Species "e" including at least claims 1, 2, 28-36, 39, 40, 43, 46, and 47. This election is without traverse.

However, Applicants respectfully assert that claims 1, 2, and 28-31 as presented in the application are generic to all species. All of the species identified by the Examiner read on these claims, as is evidenced by the figures and the associated statements in the detailed description section of the application. Applicants refer the Examiner to at least page 9, lines 17-22 and page 12, lines 18-30 in support of the assertion of generic claims. Applicants respectfully reserve the right to have the claims readable on the non-elected species considered in this application should any of these generic claims be allowed.

Furthermore, Applicants assert that claims 36, 39, 40, 43, 46, and 47 of Species "e" are generic to at least Species "a", "b", and "e". As such, Applicants respectfully reserve the right to have the claims readable on Species "a" and "b" considered in this application should any of these generic claims be allowed.

In light of the preceding, Applicants believe that the presently pending elected claims are in condition for allowance, early notice of which would be greatly appreciated. The Examiner is invited to telephone the undersigned attorney of record if he believes that such a call would materially advance the prosecution and eventual allowance of the present application.

Application No. 10/725,236
Amendment Dated February 10, 2005
Response to Restriction Requirement of January 10, 2005

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Applicants believe that no fees are due in connection with the submission of this Response and Preliminary Amendment. If any fee is due, the Commissioner may charge appropriate fees to H.T. Than Law Group, Deposit Account No. 50-1980.

Respectfully submitted,

February 10, 2005

Date

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